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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/847,480	05/02/2001	Suzan Hardy	20010196.ORI	6233

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EXAMINER

MORRISON, NASCHICA SANDERS

ART UNIT PAPER NUMBER

3632

DATE MAILED: 06/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/847,480

Applicant(s)

HARDY, SUZAN

Examiner

Naschica S Morrison

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This is the third Office Action for serial number 09/847,480, Support Device, filed on May 2, 2001. Claims 1-15 are pending.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 3, 4, 8, 9, and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,305,652 to Borke et al. (Borke) in view of U.S. Patent 4,948,039 to Amatangelo. With regards to claims 1, 3, 4, 8, 9, and 11-13, Borke discloses a foldable plastic support device (Fig. 7) formed from rectangular, planar upper and lower parallel support surfaces (at 20, surface between 20 and 44) having a plurality of cuts, each cut running through the upper surface from one side edge of the upper surface to an opposite side edge, each cut permitting folding of the device about a corresponding fold line in the lower surface, the cuts and fold lines being of a number and spaced so as to form, in sequence, a working surface panel (20), an elevation panel (28), a support panel (32), and a lip panel (38); the support panel being smaller than the working surface panel, the elevation panel being smaller than the support panel, and the lip panel being the smallest; the panels foldable, about the fold lines in the lower surface, in one direction out of the plane of the parallel surfaces, into an operative configuration so that the working surface panel (20) is upwardly and rearwardly inclined with respect to a horizontal support surface, wherein the working

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surface panel is supported during use at a lower front edge (22) of the working surface panel (20) and along an edge of the support panel near the juncture of the elevation and support panels and further the working surface panel (20) is supported at an upper rear edge thereof by the elevation panel (28), friction means (44, col. 6, line 24) are provided on the lower front edge of the support panel and supporting surfaces of the support panel (32); wherein the working surface and lip panels (20,38) are provided with hook and pile fasteners (44,46) for releasably securing the lip panel (38) at an intermediate position between the lower front edge and upper rear edge of the working surface panel (20), whereby all the panels are held in the operative configuration; wherein the panels are foldable into a flat, storable, carrying configuration (Fig. 4) with the lower surface of the support panel (32) confronts the lower surface of the working surface panel (20).

Borke does not disclose the device formed of sheets separated by longitudinally spaced, parallel ribs. Amatangelo teaches a foldable support device (Fig. 1) comprising plastic panels (12) formed of parallel sheets (14,16) separated by longitudinally spaced, parallel ribs (18) and wherein the panels are foldably, hingedly attached by a cut (40) in one of the sheets (14). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the device to be formed from a plastic sheet material comprised of upper and lower sheets separated by longitudinally spaced, parallel ribs because one would have been motivated to provide a foldable support that is simple and efficient to use and easily collapsible as taught by Amatangelo (col. 2, lines 22-25).

Regarding claims 12 and 13, Borke does not disclose the lower surface of the support panel (32) including securing means for engagement with the hook and pile fasteners on the lower surface of the working surface panel (20) in the carrying configuration. However, Borke does teach the lower surface of the lip panel (38) including hook and pile fasteners (46) for engagement with the hook and pile fasteners (44) of the working support panel (20) in a carrying configuration (Fig. 8). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the lower surface of the support panel by providing hook and pile fasteners for mating with hook and pile fasteners on the working surface panel because one would have been motivated to permit releasable securement of the panels (20,32) in the compact carrying configuration of Figure 4 as taught by Borke (Fig. 8).

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Borke in view of Amatangelo and further in view of U.S. Patent 5,042,670 to Timberlake. With regards to claim 2, Borke in view of Amatangelo discloses the support device as applied above, but does not teach clip means. Timberlake teaches a support device (Fig. 3) including a working surface (29) having clip means (37) at its rear edge (13). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the support device by including clip means at the upper rear edge of the working surface panel because one would have been motivated to have provide a means for securely supporting a document resting on the working surface as taught by Timberlake.

Claims 5-7, 14, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Borke in view of Amatangelo and further in view of U.S. Patent 4,722,504 to Degenholtz. With regards to claims 5-7, 14, and 15, Borke in view of Amatangelo does not disclose the lip panel (38) including hook and pile fasteners on the upper surface for engagement with the hook and pile fasteners (44) on the lower surface of the working surface panel (20). Degenholtz discloses a support device (Fig. 11) including a working surface panel (208) and a lip panel (214) having hook and pile fasteners (212) on an upper surface for engagement with hook and pile fasteners on a lower surface of the working surface panel (208). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the lip panel by providing hook and pile fasteners on the upper surface as an alternative arrangement for securing the lip panel to the working surface panel as taught by Degenholtz. Regarding claim 5, Borke in view of Amatangelo in view of Degenholtz does not disclose the lip panel secured to a mid portion of the working surface panel; however, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the support device by attaching the lip panel along various locations of the working surface panel because one would have been motivated to permit variance in the angle of inclination of the working surface panel as inherently taught by Borke (Figs. 5A-7).

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Borke in view of Amatangelo in view of Timberlake, and further in view of U.S. Patent 5,722,691 to Patel. With regards to claim 10, Borke in view of Amatangelo in view of Timberlake

discloses the support device as applied to claim 2 above, but does not disclose the clip means including a pair of jaws. Patel teaches a support device (Fig. 2) comprising a working surface panel (20) including clip means (Fig. 5) comprising an upper jaw (40) hingedly interconnected to a bottom jaw (52) affixed to the working surface panel. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the support device by providing a clip means having biased upper and lower jaws because one would have been motivated to permit gripping and holding of thin sheets supported by the device as taught by Patel.

Response to Arguments

Applicant's arguments filed 4/7/03 have been fully considered but they are not persuasive. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "the use of panels where only the upper sheet has a plurality of linear cuts..." and "that the panels be folded in one direction only") are not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Applicant argues the above-mentioned limitations; however the claims do not recite that *only* the upper sheet has a plurality of linear cuts or that the panels are foldable in *only* one direction. Additionally, regarding the fold at hinge 36 of Borke, although the lip panel (38) is folded in a direction opposite the folded direction of the elevation panel (28), the claim does not recite that all of the panels are

foldable in only one direction (as addressed above), nor that all of the panels are folded in the *same* direction.

In response to applicant's argument that the lip panel (38) is not located at an "intermediate" position between edge 22 and panel 28, examiner respectfully disagrees. Merriam-Webster's 10th Edition Collegiate Dictionary defines "intermediate" as "being or occurring between extremes", therefore the point of attachment of the lip panel (38) to the working surface panel (20) meets the claimed limitation.

In response to applicant's argument that the cuts of Amatangelo are multidirectional and the teachings that flow therefrom would weaken applicant's invention or prevent it from properly working, Borke has been relied upon to teach linear longitudinal cuts in the upper support surface. As shown in Figure 4, Amatangelo also teaches it was known to make a longitudinal cut in between parallel, spaced, longitudinally extending ribs for the purpose of efficiently and easily folding a panel.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: 2003/00447659 to Evans and 2003/0019996 to Shields

The above references disclose support devices relevant to Applicant's invention.


Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

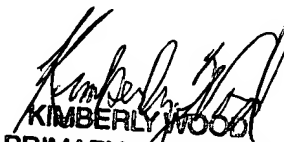
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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Naschica S. Morrison, whose telephone number is (703) 305-0228. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Leslie Braun can be reached at 703-308-2156. The fax machine telephone number for the Technology Center is (703) 305-3598 (formal amendments) or (703) 308-3519 (informal amendments/communications).

Any inquiry of a general nature or relating to the status of this Application should be directed to the Technology Center receptionist at (703) 308-2168.


Naschica S. Morrison
Patent Examiner
Art Unit 3632
6/11/03


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PRIMARY EXAMINER